

REMARKS

New claims 10-12, drawn to a stored program control and method for operation thereof, are presented for consideration.

It is Applicants' position that the amended claims are clearly supported by the drawing figure and accompanying descriptions of the invention.

The rejection of claims 1, 2, 4, and 7 under 35 U.S.C. 112, second paragraph, is obviated by appropriate amendment. The amended claims do not include the term "such as".

Accordingly, favorable reconsideration of the rejection under 35 U.S.C. 112, second paragraph, is urged.

The rejection of claims 1-9 under 35 U.S.C. 101 is obviated by appropriate amendment. The amended claims are directed to a stored program control and method for the operation thereof, and clearly meet the statutory requirements of 35 U.S.C. 101.

Accordingly, favorable reconsideration of the rejection under 35 U.S.C. 101 is respectfully urged.

Claims 1, 3-5, 8, and 9 were rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto et al. (US 6,230,971). Furthermore, claims 2 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. in view of Gutman et al. (US 5,221,838).

These prior art references have been carefully reviewed but are not believed to individually disclose or in combination suggest Applicant's invention as now claimed. Reconsideration and allowance of the amended claims is therefore respectfully requested in view of the following remarks.

The present invention is directed to a stored program control and method of using the stored program control. The stored program control is connected to an evaluation unit that includes a calculation unit in which debiting amounts are assigned to corresponding operating times and/or operations. An object of the present invention is the use of the stored program control, and particularly of the software running thereon, independent of what is actually controlled by the stored program control. One advantage of Applicant's invention is that the use of stored program controls is chargeable either online or via IC-cards and payment cards, respectively. The advantage is achieved for both the user and the provider, such that a service-oriented fee registration system is provided, whereby the user is charged only with that time during which the stored program control performs chargeable operations.

By way of the calculation unit, definite operations and operating times can be assigned to different factors, so that a justified calculation of the use is possible.

It is Applicant's position that the central registration of the user data, using the user data for calculating the user fees and deducting an operating credit, is not taught or suggested by the prior art, taken alone or in combination.

Matsumoto et al. is directed to a transaction-oriented electronic accommodation device (such as an electronic home-by-home delivery service/reception system, an electronic laundry service/reception system, an IC-card-operated electronic locker system, IC-card type electronic parking meter system, or the like), whereby an electronic wallet system is used.

The Matsumoto et al. system allows cashless monetary transactions to be carried out using an IC-card which stores electronic monetary information and an identification number.

Furthermore, the Matsumoto et al. system includes an IC-card read/write unit for reading and/or writing information in/from the IC-card; and an IC-card control unit for controlling loading and discharge of the IC-card into/from the accommodation system.

Accordingly, it is clear that Matsumoto et al. does not disclose or in any way suggest a stored program control and a method for operating a stored program control. As such, a person skilled in the art of stored program controls would not consider the Matsumoto et al. reference for solving the problems underlying the present invention.

Furthermore, in Matsumoto et al., an IC-card control unit is described, whereby amounts of money are debited from the IC-card as a function of the operation. However, the IC-card control of Matsumoto et al. is not equipped with a calculating unit in which the operating times and/or operations are assigned corresponding debit amounts. Rather, the amount to be debited is a function of the manner of use, e.g. the operation of a washing machine, parking time, or the like.

In contrast to this, in the stored program control and method of the invention, the operating time and/or operations of the stored program control are monitored, so that a user fee for the program running in the stored program control can be raised. In the arrangement according to Matsumoto (US '971) an executable program is not disclosed or suggested.

Accordingly, Matsumoto et al. does not disclose each and every element of the claimed invention, and withdrawal of the rejection under 35 U.S.C. 102(b) is therefore respectfully requested.

The Gutman (US '838) reference fails to fills the gaps left by Matsumoto et al.

Gutman is discloses an electronic wallet comprising a memory for storing a balance corresponding to an account in a financial institution, and a selective call receiver for receiving a wireless message transmitted from a remote transmitter, the wireless message including financial information relating to the balance for confirming a financial

transaction with the financial institution. A wireless message transmission is used with this system, but here, too, no internal debiting amounts corresponding to calculation times, i.e. operating times and/or operations, are transmitted.

A *prima facie* case of obviousness requires a teaching of all elements of Applicant's claimed invention, with a motivation to combine the teachings of the references and an expectation of success. In the present case, the cited references fail to disclose or suggest a stored program control and method for the operation thereof, having the claim limitations set forth in the present claims.

As such, the present invention is not obvious over the combination of references cited by the Examiner, and withdrawal of the rejection under 35 U.S.C. 103(a) is therefore respectfully requested.

As a final matter, it is Applicant's belief that the closest prior art to the presently claimed invention is that of DE 197 40 974 (hereinafter "DE '974"), which is of record.

Clearly, however, DE '974 also does not disclose or suggest Applicant's invention. There is no mention or suggestion in DE '974 of a stored program control comprising a control unit that performs actions for transmitting and/or receiving data from peripheral units during an operating time of the automation device, whereby the automation device comprises a module for registering the operating time and/or

the operations of the automation device. DE '974 also does not disclose or suggest a method for operating a stored program control, whereby the operating time and/or the operations of the automation device are registered.

The known stored program control is a component of a book production system, and registers functions for writing a progress diagram that is maintained for each machine, and compiles a report by the day that contains all relevant system parameters such as service life and total production time.

The functions are meant for the determination of product identification values, for data analysis and long-term, middle-term and short-term data evaluation, as well as for the presentation of the basic numbers as lists, diagrams or graphics. However, the charging of user fee to the user of a stored program control is not disclosed in or suggested by DE '974.

In contrast to DE '974, the presently claimed invention is based on the problem of developing a stored program control such that the operation of the stored program control and/or the software being based thereon can be determined in an easy manner.

In accordance with a first embodiment of the invention this problem is solved in that the module is connected to an evaluation unit, which is located at a central point via a data transmission medium, that the evaluation unit is equipped

with a calculating unit, in which the operating times and/or operations are assigned corresponding debit amounts, and that the central point is equipped with a memory unit for an operating credit, whereby the operating credit is automatically deducted in correspondence with the amount of operating time and/or the operations performed by the stored program control for calculating a user fee accrued to the account of the user of the stored program control.

In accordance with a second embodiment of the invention, it is provided that the module is coupled to an evaluation unit for calculating a user fee accrued by the user for use of the stored program control, that the evaluation unit is equipped with a calculating unit, in which the operating times and/or operations are assigned corresponding debit amounts, and that the evaluating unit is integrated with the module into a component, whereby the component is equipped with a memory unit used to store an amount or operating credit and/or a reading unit for a payment card, and whereby the amount of operating credit is automatically deducted in correspondence with the amount of operating time and/or the operations performed by the stored program control.

The method according to the invention solves the problem in that the operating time and/or the operations performed by

the stored program control are evaluated for calculating a user fee, accrued by the user for use of the automation device, whereby the registered service data are transmitted via a data transmission medium to a central point, or are evaluated on-site in the stored program control, whereby in a calculation unit the operating time and/or the operations are used to calculate user fees, whereby a predetermined amount of credit, stored in the stored program control or in the central point, or loaded using a payment card, is debited in keeping with the operating time and/or operations performed by the stored program control.

In contrast, DE '974 teaches a person skilled in the art how to transmit the operations performed during an operating time and/or to register them for receiving data from peripheral units and to compile a report by the day, whereby however no hint can be found as to the calculation of a respective user fee of the stored program control.

DE '974 does not mention or suggest the registration of a user fee, nor the data transmission into a central point.

Accordingly, DE '974 cannot be said to disclose or suggest Applicant's invention.

For all of the above reasons, Applicant submits that the presently claimed invention is patentably distinguishable over

the prior art. Accordingly, an early notification of allowance is earnestly solicited. If any final points remain that can be clarified by telephone, Examiner Tinkler is respectfully encouraged to contact Applicant's attorney at the number indicated below.

Respectfully submitted,

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